

N91192.AR.001540
NIROP FRIDLEY, MN
5090.3a

SPECIAL NOTICE LETTER FOR JURT MANUFACTURING SUPERFUND SITE REGARDING
NATIONAL PRIORITIES LISTING NIROP FRIDLEY MN
6/8/2006
U S EPA REGION V



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 08 2014

REPLY TO THE ATTENTION OF:

**URGENT LEGAL MATTER -
PROMPT REPLY NECESSARY**

SR-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kurt Manufacturing Company, Inc.
c/o Paul Lillyblad, Registered Agent & Chief Executive Officer
5280 Main Street, NE
Minneapolis, Minnesota 55421

Re: Special Notice Letter for Kurt Manufacturing Superfund Site, 5280 Main Street, NE,
Fridley, Anoka County, Minnesota

Dear Sir or Madam:

The U.S. Environmental Protection Agency ("U.S. EPA") has undertaken response actions at the above referenced Site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 *et seq.*, as amended ("CERCLA"). These response actions include listing the Site on the National Priorities List, reviewing Five-Year Review documents, planning, and enforcement activities. U.S. EPA has documented the release or threatened release of hazardous substances, pollutants, or contaminants at or from the Site. U.S. EPA believes the following response activities are necessary at the Site: 1) a remedial investigation ("RI") to determine the nature and extent of the contamination at the Site; and 2) a feasibility study ("FS") to determine and evaluate alternatives for remedial action at the Site.

You have been identified as a contact for the Potentially Responsible Party identified above. This letter notifies you that a 60-day period of formal negotiations with the U.S. EPA automatically begins with this letter whereby you are invited to enter into negotiations with U.S. EPA to conduct the RI and FS at the Site. This letter also contains a formal demand for reimbursement of costs that have been incurred at this Site by the U.S. EPA in response to the health and environmental concerns at the Site. This letter also provides general and site-specific information to assist you in these negotiations.

NOTICE OF POTENTIAL LIABILITY

U.S. EPA has information indicating that you may be a Potentially Responsible Party ("PRP") under Section 107 of CERCLA, with respect to this Site. Under Section 107 of CERCLA, responsible parties include current owners and operators of the Site and former owners and operators of the Site at the time of disposal of hazardous substances, as well as persons who owned or possessed hazardous substances and arranged for disposal, treatment, or transportation of such hazardous substances and persons who accepted hazardous substances for transportation for disposal or treatment to the Site selected by such transporter.

U.S. EPA may perform response actions in response to a release or threatened release of hazardous substances, pollutants or contaminants pursuant to Section 104 of CERCLA. Under Section 107 of CERCLA, U.S. EPA can recover those response costs from responsible parties. Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973, as amended (RCRA), and other laws, U.S. EPA can order, or ask a court to order, responsible parties to conduct response actions at a site. Failure to comply with an administrative order issued under Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, under Section 106(b) of CERCLA, or imposition of treble damages, under Section 107(c)(3) of CERCLA. In addition, responsible parties may be liable for damages to natural resources at a Site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

Under Section 122 of CERCLA and general settlement authority, U.S. EPA can enter into settlement agreements with PRPs that require PRPs to conduct response under Section 107 of CERCLA. U.S. EPA has determined that use of the Section 122(e) special notice procedures specified in CERCLA may facilitate a settlement between U.S. EPA and you (the PRP) for this Site. Therefore, under Section 122 of CERCLA, this letter triggers a 60-day moratorium on certain U.S. EPA response activities at the Site. During this 60-day period, you are invited to participate in formal negotiations with U.S. EPA. You are also encouraged to voluntarily negotiate a settlement providing for you to conduct or finance the response activities required at the Site. The 60-day negotiation period ends on March 10, 2014. The 60-day negotiation moratorium will be extended for an additional 30 days if you provide U.S. EPA with a good faith offer to conduct or finance the Remedial Investigation/Feasibility Study (RI/FS), on or before March 10, 2014. If U.S. EPA determines that you have submitted a good faith offer, U.S. EPA will extend negotiations until April 9, 2014. If settlement is reached between U.S. EPA and you, the settlement will be embodied in an administrative order on consent for RI/FS.

FUTURE RESPONSE ACTIONS

U.S. EPA plans to conduct the following CERCLA activities at the Site:

Remedial Investigation/Feasibility Study to commence on or about April 9, 2014.

WORK PLAN AND DRAFT CONSENT ORDER

A copy of U.S. EPA's draft administrative order on consent ("AOC") and statement of work ("SOW") are attached. This is provided to assist you in developing a good faith offer for conducting the RI/FS.

GOOD FAITH OFFER

As indicated, the 60-day negotiation moratorium triggered by this letter may be extended for 30 days if you submit a good faith offer to U.S. EPA. An offer to conduct or finance the RI/FS must include a written proposal that demonstrates your qualifications and willingness to conduct or finance the RI/FS and must include the following elements:

1. A statement of willingness by you to conduct or finance the RI/FS which is consistent with U.S. EPA's statement of work and draft administrative order and provides a sufficient basis for further negotiations.
2. A demonstration of your technical capability to carry out the RI/FS including the identification of the firm(s) that may actually conduct the work or a description of the process you will use to select the firm(s).
3. A demonstration of your capability to finance the RI/FS.
4. A statement of willingness by you to reimburse U.S. EPA for costs incurred in overseeing your conduct of the RI/FS.
5. The name, address, and phone number of the party who will represent you in negotiations.

If your offer contemplates modifications to the AOC or SOW, you must make revisions to the enclosed proposed AOC and SOW and submit this version to U.S. EPA prior to the expiration of the 60-day negotiation moratorium. Your response should provide reasons for or the basis of such modifications to the proposed AOC and SOW. Major modifications to the AOC and/or SOW may not be considered a good faith offer by U.S. EPA.

INITIAL CONFERENCE

To further facilitate your ability to present a "good faith offer" within the 60-day time limit, U.S. EPA is organizing an initial settlement conference at the following time and place:

Time & Date: Contact Sheila Desai, Remedial Project Manager, by January 22, 2014 to schedule a conference.

Place: U.S. EPA Region 5 Offices, 77 West Jackson Blvd., Chicago, IL

An agenda indicating the topics for discussion is enclosed.

INFORMATION RELEASE

U.S. EPA is providing the following information as an enclosure with this letter: a brief summary of the Site.

DEMAND FOR PAYMENT

With this letter, U.S. EPA demands that you reimburse U.S. EPA for its costs incurred to date, and encourages you to voluntarily negotiate an administrative order on consent under which you agree to perform the RI/FS.

In accordance with CERCLA, U.S. EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. Such costs include, but are not limited to, expenditures related to listing the Site on the National Priorities List, reviewing Five-Year Review documents, planning, and enforcement activities.

The cost of the response actions performed at the Site through November 31, 2013 via U.S. EPA funding was approximately \$122,055.19 as of December 2, 2013 (see enclosed Itemized Cost Summary). In accordance with Section 107(a) of CERCLA, demand is hereby made for payment of the above amount plus any and all interest recoverable under Section 107 or under any other provisions of law.

As indicated above U.S. EPA anticipates expending additional funds for the RI/FS. Whether U.S. EPA funds the entire RI/FS, or simply incurs costs by overseeing the parties conducting these response activities, you are potentially liable for these expenditures plus interest.

ABILITY TO PAY - FUTURE FINANCIAL REVIEW

If your company wishes to settle, but would face a severe financial hardship by remitting the full payment amount, you may request that the U.S. EPA review your financial ability to pay. Under U.S. EPA policy, it is possible in appropriate circumstances for the payment to be made in installments. This may be considered as part of U.S. EPA's financial review. To process a claim of financial hardship, the U.S. EPA will require you to substantiate that claim by submitting detailed financial documentation. A complete description of the U.S. EPA's financial review process is available upon request.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), U.S. EPA must establish an administrative record that contains documents that form the basis of U.S. EPA's decision on the selection of a response action for a site. The administrative record files will be available to the public for inspection and comment at:

The Superfund Records Center
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, Illinois

Copies of documents in the administrative record file will be available for public inspection at the local repository.

PRP RESPONSE AND U.S. EPA CONTACT PERSON

Please contact U.S. EPA by January 16, 2014 to indicate your willingness to participate in negotiations at this Site. You have 60 calendar days from this notice to provide U.S. EPA with a good faith offer, in writing, demonstrating your willingness to perform the RI/FS. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response, and that you have declined any involvement in performing the response activities.

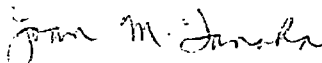
Your response to this notice letter should be sent to:

Sheila Desai, Remedial Project Manager
Superfund Division, Remedial Response Section #3
U.S. Environmental Protection Agency
77 West Jackson Boulevard (SR-6J)
Chicago, Illinois 60604-3590

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final U.S. EPA positions on any matter set forth herein.

If you have questions of a technical nature, please contact Sheila Desai, Remedial Project Manager at 312-353-4150. For legal questions contact Catherine Garypie, Associate Regional Counsel at 312-886-5825.

Sincerely,



Joan M. Tanaka, Chief
Remedial Response Branch #1

Enclosures: 1. Administrative Order on Consent
 2. Statement of Work
 3. Site Summary
 4. SBREFA Fact Sheet
 5. Itemized Cost Summary
 6. Agenda for Settlement Conference

cc: Kenneth H. Podpeskar, Esq.
 Bloomberg & Podpeskar LLP
 2263 Waters Drive
 Mendota Heights, MN 55120

State of Minnesota

Greg Small
Hydrogeologist Project Manager
Superfund Program
Remediation Division
520 Lafayette Road North
St. Paul, MN 55155-4194

Natural Resource Trustees

Department of Interior

Mark Huston, Deputy Director
Office of Restoration and Damage Assessment
U.S. Department of Interior
1849 C Street, NW
Mailing Station MS3548MIB
Washington, D.C. 20240

Annette Trowbridge, Environmental Contaminants Program Coordinator
U.S. Fish and Wildlife Service, Region 3
5600 American Blvd. West; Suite 990
Bloomington, MN 55437-1458

Department of Defense

Environmental Business Line Coordinator
NAVFAC MW, EV1
201 Decatur Avenue
Naval Station Great Lakes
Great Lakes, IL 60088

State of Minnesota

John Linc Stein, Commisisioner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Tom Landwehr, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road North
St. Paul, Minnesota 55155